

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN CHAPDELAINE,

Plaintiff,

v.

INSTITUTIONAL SERGEANT OF R&R,
et al.,

Defendants.

No. 1:23-cv-01396 GSA (PC)

ORDER DIRECTING CALIFORNIA
DEPARTMENT OF CORRECTIONS AND
REHABILITATION TO VERIFY NOTICE OF
DEATH OF PLAINTIFF

(ECF No. 6 – SEALED EVENT)

ORDER DIRECTING THE CLERK OF
COURT TO SERVE A COPY OF THIS
ORDER ON THE OFFICE OF THE
ATTORNEY GENERAL AND ON THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

ORDER DIRECTING THE CLERK OF
COURT TO MAIL A COPY OF THIS ORDER
TO THE AUTHOR OF THE SEALED EVENT
AT ECF NO. 6

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION'S
VERIFICATION OF DEATH OF PLAINTIFF
DUE **DECEMBER 29, 2023**

On September 25, 2023, Plaintiff's complaint, which seeks relief pursuant to 42 U.S.C. § 1983 was docketed. ECF No. 1. At that time, Plaintiff was an inmate at Valley State Prison in Chowchilla, California. Id. at 2. The matter was then referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

1 On December 14, 2023, a letter was sent to the Court (ECF No. 6 (sealed event)), which
2 advised the Court that P is deceased. For the reasons stated below, the California Department of
3 Corrections and Rehabilitation (“CDCR”) will be ordered to inform the Court whether Plaintiff
4 has expired. In addition, the Clerk of Court will be ordered to serve copies of this order on
5 CDCR and on the Office of the Attorney General. Finally, the Clerk of Court will be ordered to
6 mail a copy of this order to the person who has notified the Court of Plaintiff’s death.

7 I. SEALED EVENT

8 The letter sent to the Court, which has been filed under seal, asserts, in relevant part, that
9 Plaintiff is now deceased. The letter also appears to request that a successor-in-interest be
10 appointed to this matter and that the Court assist with retrieving Plaintiff’s personal effects from
11 Correctional Training Facility, where Plaintiff was last housed. See ECF No. 4 (Court update of
12 address).

13 II. DISCUSSION

14 With respect to the request that Plaintiff’s case be kept open so that it may continue to be
15 litigated, for various legal reasons, the Court is unable to do this. As a result, upon formal
16 verification from the CDCR that Plaintiff has expired, this matter will be closed.

17 In addition, the Court is unable to assist with the retrieval of Plaintiff’s personal effects. It
18 is also unable to provide legal advice in the cases that come before it.

19 Finally, given that neither the fee nor screening issues were resolved prior to Plaintiff’s
20 presumed passing, neither the CDCR, nor the Office of the Attorney General have been noticed
21 by the Court that a complaint in this matter has been docketed. Therefore, in addition to mailing
22 a copy of this order to the author of the above reference letter, the Clerk of Court will be ordered
23 to serve copies of this order on each of the above two mentioned government entities.

24
25 Accordingly, IT IS HEREBY ORDERED that:

26 1. The Clerk of Court shall:

27 a. SERVE a copy of this order on the appropriate Civil Division supervisor at the
28 Office of the Attorney General in this District;

1 b. SERVE a copy of this order on the California Department of Corrections and
2 Rehabilitation, and

3 c. MAIL a copy of this order to the author of the above referenced letter (ECF No. 6)
4 (sealed event) at the address provided therein. See id. at 2, and

5 2. The California Department of Corrections and Rehabilitation shall respond to the
6 Court by **December 29, 2023**, and if true, also provide official confirmation of Plaintiff's death.

7
8
9 IT IS SO ORDERED.

10 Dated: **December 14, 2023**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE